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Brief
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Our Ref. No.: 42390P4817

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application for:

Phillip E. Mattison

Serial No.: 09/141,210

Filed: August 27, 1998

For: **IMPROVING THE PORTABILITY OF DIGITAL IMAGES**

Examiner: Y. Kassa

Art Group: 2621



**SUPPLEMENTAL APPEAL BRIEF IN SUPPORT OF APPELLANT'S APPEAL TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Assistant Commissioner for Patents
Washington, D.C. 20231
ATTENTION: Board of Patent Appeals and Interferences

Members of the Board:

Applicant herein requests reinstatement of the Appeal of the above-identified case. Applicant (hereafter "Appellant") herein submits this Supplemental Brief in triplicate in support of his Appeal from a decision by the Examiner in the above-identified case. On July 18, 2001, while the above-captioned case was on Appeal, the Examiner issued an Office Action to reopen prosecution. This Supplemental Appeal Brief responds to the new grounds of rejection in the July 18, 2001, Office Action. Appellant respectfully requests reinstatement and consideration of this Appeal by the Board of Patent Appeals and Interferences for allowance of the claims in the above-identified patent application.

## I. REAL PARTY IN INTEREST

The real party in interest with regard to this appeal is Intel Corporation.

## II. RELATED APPEALS AND INTERFERENCES

There are no other appeals or interferences known to the undersigned that will directly affect, be directly affected by, or have a bearing upon the Board's decision in the pending appeal.

## III. STATUS OF CLAIMS

Claims 1-21 are pending in the application, all of which stand rejected. Claims 1-21 are on appeal.

## IV. STATUS OF AMENDMENTS

An amendment canceling dependent Claim 17 is being filed concurrently. The Appendix contains the claims as amended.

## V. SUMMARY OF THE INVENTION

The corresponding section of the Appeal Brief filed on May 2, 2001, is herein incorporated by reference.

## VI. ISSUES

The issue presented in this Appeal is as follows:

(1) Whether Claims 1-21 are anticipated by U.S. Patent No. 5,495,581 to Tsai ("Tsai").

## VII. GROUPING OF CLAIMS

Group I: Claims 1-4, 10-15, and 18-19 stand or fall together.

Group II: Claims 5-6, 20-21, and stand or fall together.

Group III: Claims 7-9 and 16 stand or fall together.

## VIII. ARGUMENT

### A. Brief Description of References

Figure 24 in Tsai illustrates the tablet computer hardware configuration. (Tsai, Fig. 24, col. 16, lines 33-40.) Multimedia interface unit 16a is capable of controlling multiple storage devices, including storage device 17. (Tsai, col. 16, lines 41-56.) The file interpreter module 16b may comprise a read-only memory ("ROM") containing translation tables and interpreter instructions for translating data from native format into a single target format. See id. The multimedia interface unit 16a reads data from storage device 17 and places the data into memory 364. (Tsai, Fig. 24, col. 17, lines 28-39.) Using format translation rules provided by the file interpreter module 16b, the processor 376 converts the native format data in memory to a format suitable for use by the video controller 350. See id.

The data conversion process is illustrated in Figure 26. (Tsai, Fig. 26, col. 18, lines 11-61.) Element 301 represents a storage medium that contains a data file created by an application program. See id. The data is in the native format of the program that created it. See id. Step 302 denotes the process of accessing the file residing on storage module 17 via multimedia interface unit 16a. (Tsai, Figs. 24 and 26, col. 18, lines 11-61.) Element 303 represents native format data that has been read into the memory of the tablet computer. See id. Step 304 translates the native format data using file interpreter module 16b into a form 305 that can be displayed on the screen of the tablet computer. (Tsai, Figs. 24 and 26, col. 16, lines 60-67.)

In addition, Tsai discloses a scanner attached to the tablet computer for optically scanning documents. (Tsai, col. 9, lines 24-26.) Referring to Figure 45(c), a printed page is fed through the scanning assembly of the table computer 1000. (Tsai, Fig. 45(c), col. 28, lines 52-59.) This forms an electronic image of the scanned document, such as a bitmap. (Tsai, col. 31, lines 19-30.) The document image is stored in memory and rendered on the display of the table computer. (Tsai, Fig. 45(c), col. 28, lines 56-59.) The document image can also be transmitted as a facsimile. (Tsai, col. 9, lines 13-16; Fig. 58(a), col. 34, lines 13-51.) This is accomplished by encoding the document image as

facsimile data and transmitting it via the CCITT facsimile protocol. (Tsai, col. 34, lines 3-23.)

**B. Group I: Rejection of Claims 1-4, 10-15, and 17-19 under 35 U.S.C §102(b)**

The Examiner rejects Group I claims under 35 U.S.C. 102(b) as being anticipated by Tsai. Among other limitations, independent Claim 1 recites a first image data and first method as part of an image object. Among other limitations, independent Claim 10 recites an image object having first image data related to sensor data and first image method. The relied upon art reference does not teach or suggest such capability.

In making the rejection, the Examiner argues that Tsai discloses an image object 303, a translating method 304, and a first translated image data 305. (Office Action dated 7/18/01.)

In response, Appellant notes that an object is a programming tool or construct that is comprised of data and associated methods for operating on the data. See, e.g., Terry Montlick, What is Object-Oriented Software?, *http://catalog.com/softinfo/objects.html* (1999) ("Montlick"), a copy of which was submitted for consideration with the earlier filed Appeal Brief. The application in Tsai, although operating on the data, is not a method that is associated with the data (element 303) as part of an object. This is evident from Figure 26, since the data 303 and the translation routine 304 are distinctly separate, and is also evident in Fig. 24, since image data on storage device 17 is distinctly separate from the file interpreter module 16b. (Tsai, Figs. 24 and 26.) Since element 303 of Tsai represents data in its native format by itself with no associated method, it is not an object. (Tsai, Fig. 26, col. 18, lines 11-61.) Thus, the cited text and accompanying figures fail to disclose a first image data and first method as part of an image object and an image object having first image data related to sensor data and first image method.

Accordingly, Appellant respectfully requests withdrawal of the rejection of independent Claims 1 and 10. Claims 2-4 depend from Claim 1, and Claims 11-15 and 17-19 depend from Claim 10. As such, the rejected dependent claims are not anticipated for at least the same reasons as their respective independent claims. Accordingly, the rejection of Group I should be overturned.

C. **Group II: Rejection of Claims 5-6 and 20-21 under 35 U.S.C §102(b)**

The Examiner rejects Group II claims under 35 U.S.C. 102(b) as being anticipated by Tsai. Among other limitations, independent Claims 5 and 20 recite receiving first and second objects from first and second imaging devices. The relied upon art reference does not teach or suggest such capability.

In making the rejection, the Examiner argues that Tsai discloses an image object 303, a translating method 304, and a first translated image data 305. (Office Action dated 7/18/01.)

In response, Appellant notes that the optical document scanner disclosed in Tsai creates an electronic image, e.g. a bitmap, of a scanned document with no associated method. (Tsai, col. 31, lines 19-30.) As noted above, an object is a programming tool or construct that is comprised of data and associated methods for operating on the data. (See Group I discussion above.) Tsai discloses that optical character recognition may be performed on the image data. (Tsai, col. 31, lines 29-35.) The optical character recognition in Tsai, although operating on the image data, is not a method that is associated with the data as part of an object. Hence, the image data is not an object. It follows that the tablet computer to which the optical document scanner is attached receives from the scanner image data, rather than an object. Thus, since the cited text fails to disclose receiving a first object from a first imaging device, it also fails to disclose receiving first and second objects from first and second imaging devices.

Accordingly, Appellant respectfully requests withdrawal of the rejection of independent Claims 5 and 20. Claim 6 depends from Claim 5 and Claim 21 depends from Claim 20. As such, the rejected dependent claims are not anticipated for at least the same reasons as their respective independent claims. Accordingly, the rejection of Group II should be overturned.

D. **Group III: Rejection of Claims 7-9 and 16 under 35 U.S.C §102(b)**

The Examiner rejects Group III claims under 35 U.S.C. 102(b) as being anticipated by Tsai. Among other limitations, independent Claim 7 recites transferring an image object to a processing system. Among other limitations, Claim 16 recites transferring

the first image data and the first method to a processing system. The relied upon art reference does not teach or suggest such capability.

In making the rejection, the Examiner argues that Tsai discloses transferring the first image data and the first method to a processing system as illustrated in Figure 26 (elements 301-306). (Office Action dated 7/18/01.)

As noted above, an object is a programming tool or construct that is comprised of data and associated methods for operating on the data. (See Group I discussion.) The application in Tsai, although operating on the data, is not a method that is associated with the data (element 303) as part of an object. See id. This is evident from Figure 26, since the data 303 and the translation routine 304 are distinctly separate. (Tsai, Fig. 26.) Thus, Figure 26 does not disclose transferring an image object to a processing system.

However, Appellant also notes that the facsimile capability in Tsai does not disclose transferring an image object. (Tsai, col. 34, lines 3-23; See Group II discussion above.) In Tsai, a document image is encoded as facsimile data and then transferred via the CCITT facsimile protocol. (Tsai, col. 34, lines 3-23.) Although linked reference data (e.g. a sound file) may optionally be transferred along with the document image, Tsai does not disclose transferring a method. See id. Hence, the data transmitted by the invention in Tsai is not an object. Thus, the cited text fails to disclose transferring an image object to a processing system and transferring the first image data and the first method to a processing system.

Accordingly, Appellant respectfully requests withdrawal of the rejection of Claims 7 and 16. Claims 8 and 9 depend from independent Claim 7. As such, the rejected dependent claims are not anticipated for at least the same reasons as their independent claim. Accordingly, the rejection of Group III should be overturned.

## IX. CONCLUSION

For all of the above reasons, it is respectfully submitted that the rejection of Claims 1-21 in the Office Action are in error and should therefore be reversed.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN

Dated: 11-9-2001 By: _____

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Nadya Gordon 11/9/01

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## APPENDIX

1. An article comprising:

a machine-readable medium having instructions that when executed by a processor cause the step of

associating first image data and first method as part of an image object, the first method for being executed by an abstract machine to obtain first translated image data based upon the first image.

2. The article of claim 1 wherein the machine readable medium further comprises instructions that when executed by the processor cause the further step of:

associating second image data with the first method as part of the object, the first method for being executed by the abstract machine to obtain second translated image data based upon the second image data.

3. The article of claim 1 wherein the machine readable medium further comprises instructions that when executed by the processor cause the further step of:

associating second image data and second method as part of a second object, the second method for being executed by the abstract machine to obtain second translated image data based upon the second image data.

4. The article of claim 1 wherein the first translated data is in the same format as the first data.

5. An article comprising

a machine-readable medium having instructions that when executed by a processor cause the steps of

configuring a data processing system to receive first and second objects from first and second imaging devices, respectively, the objects having first and second image data and corresponding methods; and

an abstract machine executing the corresponding methods of each object to obtain first and second translated image data based upon the first and second image data, respectively.

6. The article of claim 5 wherein the first and second translated image data are in the same image file format.

7. A method comprising:

transferring an image object having first image data associated with a first method to a processing system; and

an abstract machine in said processing system executing the first method for generating first translated image data based upon the first image data.

8. The method of claim 7 further comprising:

transferring a second object having second image data associated with a second method to the processing system, the first and second image data being in different formats; and

the abstract machine executing the second method generating second translated image data based upon the second image data, the first and second translated image data being in the same format.

9. The method of claim 7 further comprising:

transferring second image data associated with the first method to the processing system; and

the abstract machine executing the first method generating second translated image data based upon the second image data, the first and second translated image data being in the same format.

10. An imaging device comprising:

image sensor for generating sensor data; and

memory for storing an image object having first image data being related to the sensor data and first image method for being executed by an abstract machine to obtain translated first image data based upon the first image data.

11. The imaging device of claim 10 wherein the first image data is the sensor data.

12. The imaging device of claim 10 further comprising

a processor; and

second memory having instructions that when executed by the processor cause processing the sensor data into the first image data.

13. The imaging device of claim 12 wherein the processing comprises performing an image processing methodology on the sensor data.

14. The imaging device of claim 10 further comprising:

logic circuitry for processing the sensor data into the first image data.

15. The imaging device of claim 14 wherein the logic circuitry performs a color interpolation algorithm on the sensor data.

16. The imaging device of claim 10 further comprising:

interface to a communication medium for transferring the first image data and the first method to a processing system separate from the imaging device, the processing system being configured with said abstract machine.

18. The imaging device of claim 10 wherein the translated first image data is part of an image file being in the Device Independent Bitmap (DIB) format.

19. The imaging device of claim 10 wherein the first image data and the translated first image data have the same image file format.

20. A data processing system comprising:

a processor;

memory coupled to the processor and having instructions that when executed by the processor cause the steps of

configuring the system to receive first and second objects from first and second imaging devices, respectively, each object having image data and a corresponding method; and

an abstract machine executing the corresponding method of each object to obtain corresponding translated data based upon the image data.

21. The system of claim 20 wherein

the translated data are part of first and second image files having the same image file format.